

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/14/2020

MARCOS CALCANO, ON BEHALF OF
HIMSELF AND ALL OTHER PERSONS
SIMILARLY SITUATED

Plaintiff,
v.

ADIDAS AMERICA, INC.

Defendant.

X : No.: 1:19-cv-10060-LGS
: ECF CASE
: Plaintiff's motion to disqualify counsel is DENIED.
: The explanation offered by Mr. Hurley in his
: Declaration in further support of his motion for
: admission pro hac vice (Dkt. No. 19) is sufficient
: to explain the discrepancy identified by Plaintiff.
: The Clerk of Court is respectfully directed to
: close the open motion at Dkt. No. 15.
: SO ORDERED.
X : Dated: January 14, 2020
: New York, New York


LORNA G. SCHÖFIELD
UNITED STATES DISTRICT JUDGE

PLAINTIFF'S OPPOSITION TO MOTION FOR ADMISSION PRO HAC VICE

Plaintiff, Marcos Calcano, by and through his undersigned counsel, hereby files this response in opposition to Defendant's Motion to Appear *Pro Hac Vice*, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing (Dkt. 12), and in support thereof states:

1. Gregory F. Hurley ("Hurley") is a California attorney not admitted to practice in the State of New York.
2. Movant requests the Court disqualify Hurley from further appearance *pro hac vice* in this case before this court.
3. In his Declaration, Hurley states in paragraph 3, "I have never been censured, suspended, disbarred or denied admission or readmission by any court."
4. Attached as Exhibit 1 is a copy of Dkt. 12 on the docket in *Lucius v. Dick's Sporting Goods, Inc.*, (SDFL 19-cv-23532) an Order denying Mr. Hurley's Motion for Admission *Pro Hac Vice*.

5. Attached as Exhibit 2 is a copy of Dkt. 11 in *Lucius*, opposing Mr. Hurley's admission.
6. Based upon Magistrate Judge Torres' Order above, Your Movant is unable to determine if Mr. Hurley was truthful in his Declaration herein, wherein he stated that he was "never... denied admission... by any court."
7. Accordingly, Your Movant opposes Mr. Hurley's admission in this case until this apparent discrepancy is further examined and clarified to the satisfaction of the Court.

WHEREFORE, Plaintiff, Marcos Calcano, respectfully requests this Court to delay the approval of Mr. Hurley's Motion to Appear *Pro Hac Vice* until the issues raised herein have been determined.

DATED: New York, New York
December 27, 2019

Respectfully submitted,

/s/Jeffrey M. Gottlieb
GOTTLIEB & ASSOCIATES
Jeffrey M. Gottlieb
150 East 18th Street, Suite PHR
New York, New York 10003
(212) 228-9795
Jeffrey@Gottlieb.legal